IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.1731 OF 1995

Between:

B. Pandurangaiah, S/o. Pedda Venkataramappa,
aged about 40 years, residing at Madanapalle,

Chittoor District.

..... PETITIONER

AND

1. The A.P.S.E.B., rep. by its Chairman,
   Vidyut Soudha, Hyderabad.

2. The Superintending Engineer(Operation),

A.P.S.E. Board, Tirupati.

3. The Divisional Engineer (Operation),

Madanapalle Division, A.P.S.E.B. Madanapalle,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, particularly in the nature of Mandamus, directing the respondents herein to absorb the petitioner *viz*., Ex.

N.M.R. and Casual Labour on regular basis in the A.P.S.E. Board forthwith.

Counsel for the Petitioner: Mr. S.V. SUNDARARAJAN

Counsel for the Respondents: Mr. S. RAVINDRANATH
(S.C. for A.P.S.E.B.)

The Court made the following :

ORDER:

The relief sought for in this writ petition is for a direction to the respondents to absorb the petitioner,
Ex. N.M.R. and Casual Labour, on regular basis in the A.P.S.E. Board (for short 'the Board') forthwith.

This Court by order in W.P.M.P. No.2145 of 1995, dated 04-09-1995, directed the respondents to consider the case of the petitioner for absorption as Helper or in any other suitable post, provided the petitioner had worked as casual labour.

A counter affidavit has been filed by the respondents wherein it is stated that the petitioner had worked as N.M.R. from 01-10-1973 to 31-03-1975 and had abstained from duty thereafter. The system of N.M.R. was abolished in 1977 and all eligible and suitable Ex. N.M.Rs., who were on rolls as on 1977, were absorbed and since the petitioner had abstained from duty from 1975, on his own accord, he did not come up for selection in the Board services. It is further stated that after abolition of the system of N.M.R. category, the Board had engaged casual labour to carry on the works and had framed guidelines for absorption of this category of casual labour and accordingly absorbed them into the Board as per their eligibility and suitability. It is further stated that while the petitioner claimed that he had worked as casual labour for some period in 1980, the records of the Operation Division, Madanapalle, did not reflect his name in the list of Ex. Casual labourers and hence he was not entitled for absorption as

casual labour. It is also stated that since the petitioner had never worked as casual labour, the question of omitting his name from the list of Ex. Casual labourers did not arise, that the petitioner had filed several writ petitions earlier, that his case was considered in the light of the orders passed by this Court, and that the petitioner is also not entitled for appointment on compassionate grounds on the demise of his brother, inasmuch as, the said scheme was introduced subsequent to the death of the petitioner's brother.

In the absence of any documents being placed to substantiate his contention that he was engaged as a casual labour, the petitioner is not entitled to the relief sought for in this writ petition, for regularization/absorption as casual labour, since it is the specific case of the respondents in their counter affidavit that the petitioner had never worked as casual labour.

The Writ Petition is accordingly dismissed. No order as to costs.

_____

RAMESH RANGANATHAN, J

Date:08-07-2005.

PV

To

1. The Chairman, A.P.S.E.B., Vidyut Soudha,

Hyderabad.

2. The Superintending Engineer,(Operation),

A.P.S.E.Board, Tirupati.

3. The Divisional Engineer (Operation),

Madanapalle Division, A.P.S.E.B.,

Madanapalle, Chittoor District.

4. Two C.D. copies.